



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
*Norfolk Division*

UNITED STATES OF AMERICA

) UNDER SEAL

) CRIMINAL NO. 2:21-CR-132

v.

)

FRANCIS PHILLIPPI HARKER,

) 18 U.S.C. §§ 922(g)(3) & 924(a)(2)

Defendant.

) Possession of Firearm by Unlawful User of

) Controlled Substances

) (Count 1)

)

) 18 U.S.C. § 924(d),

) 28 U.S.C. § 2461

) Criminal Forfeiture

**INDICTMENT**

November 2021 Term – at Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

**COUNT ONE**

On or about November 4, 2021, in Virginia Beach, Virginia, within the Eastern District of Virginia, the defendant, FRANCIS PHILLIPPI HARKER knowing that he was an unlawful user of and addicted to a controlled substance as defined in 21 U.S.C. § 802, knowingly possessed one or more firearms in or affecting interstate and foreign commerce, to wit, a Diamondback 5.56 mm semi-automatic rifle, a Taurus .22 caliber rifle, and a Glock 17 Gen 5 9mm semi-automatic firearm, said firearms having previously been shipped and transported in interstate and foreign commerce.

(In violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2))

**CRIMINAL FORFEITURE**

THE GRAND JURY FURTHER FINDS PROBABLE CAUSE THAT:

1. The defendant, if convicted of the violation alleged in this Indictment, shall forfeit to the United States, as part of the sentencing pursuant to Federal Rule of Criminal Procedure 32.2, any firearm or ammunition involved in or used in the violation.
2. If any property that is subject to forfeiture above is not available, it is the intention of the United States to seek an order forfeiting substitute assets pursuant to Title 21, United States Code, Section 853(p) and Federal Rule of Criminal Procedure 32.2(e).
3. The property subject to forfeiture includes, but is not limited to, the following:
  - a. Diamondback 5.56 caliber semi-automatic rifle and any related magazines and ammunition;
  - b. a Taurus .22 caliber rifle and any related ammunition; and
  - c. a Glock 17 Gen 5 9mm semi-automatic firearm and any related magazines and ammunition.

(In accordance with Title 18, United States Code, Section 924(d); and Title 28, United States Code, Section 2461)

Pursuant to the E-Government Act,  
the original of this page has been filed  
under seal in the Clerk's Office.

United States v. Francis Phillipi Harker, 2:21CR 132

A TRUE BILL:

**REDACTED COPY**

---

FOREPERSON

Jessica D. Aber  
UNITED STATES ATTORNEY

By: \_\_\_\_\_

Joseph DePadilla  
Assistant United States Attorney  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, VA 23510  
Office Number: (757) 441-6331  
Facsimile Number: (757) 441-3205  
Email Address: joe.depadilla@usdoj.gov

By: 

E. Rebecca Gant  
Assistant United States Attorney  
United States Attorney's Office  
101 West Main Street, Suite 8000  
Norfolk, VA 23510  
Office Number: (757) 441-6331  
Facsimile Number: (757) 441-3205  
Email Address: rebecca.gantt@usdoj.gov